

EXHIBIT D

CERTIFIED TRANSCRIPT

LOPEZ

VS.

CITY OF LOS ANGELES, ET AL

JOSE JAIME

September 20, 2023



JONNELL AGNEW & ASSOCIATES
(800) 524-DEPO

COURT REPORTERS/VIDEOGRAPHERS/INTERPRETERS

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

MARGARITO T. LOPEZ, SONIA)
 TORRES, KENI LOPEZ, ROSY LOPEZ,)
 Plaintiffs,)

vs.

No. 2:22-CV-07534-
 FLA-MAA

CITY OF LOS ANGELES, JOSE)
 ZAVALA, JULIO QUINTANILLA, AND)
 DOES 1 THROUGH 10, INCLUSIVE,)
 Defendants.)

**CERTIFIED
 TRANSCRIPT**

Videotaped deposition of JOSE JAIME, a witness,
 taken on behalf of the Plaintiffs, before Suzanne
 Scheller, CSR No. 12652, commencing on Wednesday,
 September 20, 2023, at 1:03 p.m., taken via Zoom,
 pursuant to Notice of Taking Deposition.

COURT REPORTERS/VIDEOGRAPHERS/INTERPRETERS

1 Q. And -- and in relation to Mr. Lopez, where
2 was Mr. Zavala's location?

13:39:41

3 A. Officer Zavala was in front of Mr. Lopez.
4 So if Mr. Lopez were to be looking at
5 Officer Zavala, I would say it would be in a
6 northwestern direction and that was probably
7 anywhere from 15 to 20 feet, I would say,
8 approximately.

13:40:02

9 Q. And where was -- where were you in relation
10 to Officer Zavala at that point?

13:40:26

11 A. I would say approximately 2 feet to his
12 left side.

13 Q. Were you physically behind the door of the
14 police car like Officer Zavala?

15 A. At some point I was.

13:40:51

16 Q. In other words, you still had cover of the
17 police door in the -- in that second position; is
18 that correct?

19 A. Yes.

20 Q. When you went over to the call initially
21 from wherever you were, did you get any information
22 regarding the nature of the call?

13:41:10

23 A. Yes.

24 Q. What information did you receive?

25 A. While listening to the radio, I heard that

13:41:25

COURT REPORTERS/VIDEOGRAPHERS/INTERPRETERS

1 there was a man with a knife that was running. And 13:41:27
2 then it was upgraded. As I heard, that my partners,
3 Officer Zavallas and Officer Quintanilla, were
4 responding to that -- to that radio call, I heard
5 that it was upgraded, meaning that it had become 13:41:43
6 more severe, and I heard that there was a man
7 chasing people with a knife.

8 Q. On your way to the call or when you first
9 heard about the call, did you ever get information
10 that the person was threatening suicide or having 13:42:09
11 some mental health crisis?

12 A. I don't recall.

13 Q. At any point when you were on-scene of the
14 location, that is from the time you arrive to the
15 time you -- whatever time you left, that location 13:42:25
16 that the scene was cleared, did you see any
17 individuals that were -- that came forward and said,
18 I was one of the individuals that was threatened with
19 a knife?

20 A. No, sir. I was escorted away. 13:42:44

21 Q. Did you ever hear of any individuals coming
22 forward that allegedly claimed that were threatened
23 by Mr. Lopez before officers arrive?

24 A. I -- personally, I didn't, but I'm sure
25 the force investigation division met with those he 13:43:01

COURT REPORTERS/VIDEOGRAPHERS/INTERPRETERS

1 himself, where was Mr. Lopez at that point?

14:11:50

2 A. He was sitting on the -- on the front
3 steps to the apartment building.

4 Q. At some point afterwards he got up,
5 Mr. Lopez?

14:12:10

6 A. Yes.

7 Q. How -- how soon after that did he get up?

8 A. I do not recall.

9 Q. Are you able to give us your best estimate?

10 A. I would probably be wrong. I -- I can't
11 really say.

14:12:28

12 Q. At some point Mr. Lopez came down the
13 stairs. Would you say -- would you say -- would you
14 say that was fair?

15 A. Yes.

14:12:49

16 Q. When he came down the stairs, how would you
17 describe his movement down the stairs?

18 A. He -- he appeared -- he appeared
19 committed. However, it wasn't fast at the time.

20 Q. You say "it wasn't fast." What do you mean
21 by that?

14:13:19

22 A. Meaning that when he stood up, it wasn't
23 abrupt, but -- but he seemed decisive in what -- in
24 what he was doing.

25 Q. What makes you say that he was "decisive"?

14:13:37

COURT REPORTERS/VIDEOGRAPHERS/INTERPRETERS

1 A. I would say he was decisive because, as I
2 was observing him sitting on the steps, he -- he
3 looked like he was having an internal struggle. He
4 was shaking his head. He was crying, sweating
5 profusely. He was murmuring, mumbling something.
6 He had the knife up to his neck, and, to me, I
7 thought -- I believed that he was going to charge
8 officers eventually.

14:13:44

14:14:00

9 **Q. Prior to the seconds where lethal force was**
10 **used, had -- had he made any gestures of charging at**
11 **officers?**

14:14:27

12 A. He walked towards -- initially towards one
13 of the police vehicles and the officers.

14 **Q. All right. So he gets up. Can you**
15 **describe Mr. Lopez's movements next?**

14:14:54

16 A. Yes. He -- he walks, I would say, in --
17 in a northeastern direction, as I said, towards the
18 officers. You know, one foot in front of the other.
19 Cleaver's still in his right hand. You -- you can
20 tell his muscles are tense in his right forearm, and
21 then he starts to pivot, and it looks like he's
22 looking in our direction where myself and
23 Officer Zavala are.

14:15:18

24 **Q. And when he allegedly looked in your**
25 **direction, was there any body movement allegedly with**

14:15:41

COURT REPORTERS/VIDEOGRAPHERS/INTERPRETERS

1 you were about to shoot or discharge your weapon. 14:24:39

2 That moment where you were about to discharge your
3 weapon, why did you believe you needed to discharge
4 it?

5 A. I perceived Mr. Lopez as a serious threat. 14:24:55

6 Q. Why did you believe Mr. Lopez to be a
7 threat?

8 A. Well, I base it on the whole totality of
9 the whole incident, given that we had been given
10 information that he was armed with a large knife, 14:25:15
11 which could cause serious bodily injury, and the
12 fact that he was running after people posing a
13 threat to members of the community, the fact that he
14 never let go of that cleaver while he was sitting or
15 standing, the fact that he was discharged with 14:25:31
16 40-millimeter, and it was ineffective as far as him
17 releasing said weapon. And then the fact that he
18 made a decision to walk towards officers with an
19 edge weapon, despite having officers tell him to
20 drop -- or give him commands to drop and urge him to 14:25:57
21 drop the weapon and disarm himself. I thought he
22 was a serious threat, and I believed he was going to
23 attempt to force us into -- into firing our weapons
24 at him.

25 Q. If you believed you -- that you could 14:26:20

COURT REPORTERS/VIDEOGRAPHERS/INTERPRETERS

1 I, SUZANNE SCHELLER, CSR No. 12652, a Certified
2 Shorthand Reporter for the County of Riverside, State of
3 California, do hereby certify;

4 That prior to being examined, the witness named
5 in the foregoing deposition, was by me duly sworn to
6 testify the truth, the whole truth, and nothing but the
7 truth;

8 That said deposition was taken before me at
9 the time and place herein set forth, and was taken by me
10 in shorthand and thereafter transcribed into typewriting
11 under my direction and supervision, and I hereby certify
12 that the said deposition is a full, true and correct
13 transcription of my shorthand notes so taken;

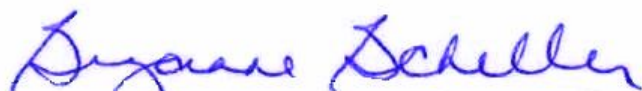
14 (X) Reading and signing was requested.

15 () Reading and signing was waived.

16 () Reading and signing was not requested.

17 I further certify that I am neither counsel
18 for nor related to any party to said action, nor in any
19 way interested in the outcome thereof.

20 IN WITNESS WHEREOF, I hereunto subscribe my
21 name this 3rd day of October, 2023.

22 
23

24 Certified Shorthand Reporter in
25 and for the County of Riverside,
State of California